

(3) REFUSAL BY A PERSON TO DISCLOSE INFORMATION ABOUT CRIMINAL CHARGES THAT HAVE BEEN EXPUNGED MAY NOT BE THE SOLE REASON FOR:

(I) AN EMPLOYER TO DISCHARGE OR REFUSE TO HIRE THE PERSON; OR

(II) A UNIT, OFFICIAL, OR EMPLOYEE OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE TO DENY THE PERSON'S APPLICATION.

(B) PENALTIES.

(1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH FOR EACH VIOLATION.

(2) IN ADDITION TO THE PENALTIES PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION, AN OFFICIAL OR EMPLOYEE OF THE STATE OR A POLITICAL SUBDIVISION OF THE STATE WHO IS CONVICTED UNDER THIS SECTION MAY BE REMOVED OR DISMISSED FROM PUBLIC SERVICE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 740.

In subsections (a)(3)(ii) and (b)(2) of this section, the phrase "political subdivision of the State" is substituted for the former phrase "local governments" to conform to the terminology used elsewhere in this article.

In subsection (a) of this section, the defined term "person" is substituted for the former, narrow reference to "applicant" to clarify that all of the provisions of this subsection apply also to persons already employed. This clarification is supported by subsection (a)(3)(i) of this section, which prohibits an employer to "discharge" a person.

In subsection (a)(1)(ii) and (3)(ii) of this section, the word "unit" is substituted for the former word "agency". See General Revisor's Note to article.

In subsection (a)(1) of this section, the former reference to "concerning criminal charges against him" is deleted as surplusage.

The Criminal Procedure Article Review Committee notes, for consideration by the General Assembly, that in subsection (a)(3) of this section, there is no prohibition concerning educational institutions that is analogous to the prohibition in subsection (a)(3)(i) of this section, which bars employers from discharging or refusing to hire persons for failure to disclose criminal charges that have been expunged.

Defined terms: "Expunge" § 10-101

"Person" § 1-101